

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKFILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ SEP 14 2012 ★

BROOKLYN OFFICE

CV 12- 04688

James Winbrone

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

-against-

Det. Vidot TAX# 931380 - 77 Pct.Sgt Sommer - 77 Pct.Officer John Doe #1 - 77 Pct.Officer John Doe #2 - 77 Pct.Officer John Doe #3 - 77 Pct.Officer John Doe #4 - 77 Pct.Officer John Doe #5 - 77 Pct.DA Cyrus Vance Jr. - Manh.Raymond Kelly Commissioner NYC Police Dept.City of New York

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

Jury Trial: ☒ Yes ☐ No
(check one)

KUNTZ, J.

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff	Name	Current Institution
	<u>James Winbrone</u>	<u>James Winbrone</u>
	<u>Street Address 12 Vernon St.</u>	<u>B+C# 349-12-12187 NYSID # 08801629</u>
	<u>County, City Brooklyn N.Y.</u>	<u>G.M.D.C.</u>
	<u>State & Zip Code N.Y. 11206</u>	<u>15-15 Hazen St.</u>
	<u>Telephone Number (917) 622-4025</u>	<u>E. Elmhurst, N.Y. 11370</u>

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 5

Name - Officer "John Doe" #3 - 77 Pct.

Address - 127 Utica Ave

County, City - Brooklyn

State + Zip Code - N.Y.

Defendant No. 6

Name - Officer "John Doe" #4 - 77 Pct.

Address - 127 Utica Ave

County, City - Brooklyn

State + Zip Code - N.Y.

Defendant # 7

Name - Officer "John Doe" #5 - 77 Pct.

Address - 127 Utica Ave

County, City - Brooklyn

State + Zip Code - N.Y.

Defendant No. 8

Name - Manh. DA Cyrus Vance Jr.

Address - One Hogan Place

Count, City - New York

State + Zip Code - N.Y.

(212) 335-9000

Defendant No. 9

Name - Commissioner Raymond Kelly N.Y.P.D.

Address - 1 Police Plaza

County, City - New York

State + Zip - N.Y. 10038

Defendant No. 10

Name - City of New York

Defendant No. 1 Name Det. Vidot TAX# 931380 - 77 Pct.
 Street Address 127 Utica Ave
 County, City Brooklyn, NY.
 State & Zip Code N.Y.
 Telephone Number 1(718) 735-0611

Defendant No. 2 Name Sgt. Sommer - 77 Pct.
 Street Address 127 Utica Ave
 County, City Brooklyn
 State & Zip Code N.Y.
 Telephone Number 1(718) 735-0611

Defendant No. 3 Name Officer "John Doe" #1 - 77 Pct.
 Street Address 127 Utica Ave
 County, City Brooklyn
 State & Zip Code N.Y.
 Telephone Number 1(718) 735-0611

Defendant No. 4 Name Officer "John Doe" #2 - 77 Pct.
 Street Address 127 Utica Ave
 County, City Brooklyn
 State & Zip Code N.Y.
 Telephone Number 1(718) 735-0611

See Attached for Defendants # 5-10

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions

☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? Amend # 4, 8, 14

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? Flushing Ave Brooklyn NY

B. What date and approximate time did the events giving rise to your claim(s) occur? July 17, 2012 3:00PM

C. Facts: _____

What
happened
to you?

Who did
what?

Was anyone
else
involved?

Who else
saw what
happened?

See Attached "Facts"

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. _____

See "Facts"

"Facts"

On or about July 17, 2012, approx. 3:00 PM I James Winbrone was pulled over in my uncles friend's 2001 Volvo after driving out of the impound yard on Flushing ave in Brooklyn NY. I was approached by Det. VIDOT Tax # 931380 + Sgt. Sommer and numerous officers of the 77th Precinct FTU Squad, 127 Utica Ave Brooklyn N.Y. with their gun drawn and screaming at me to "get the fuck out the car, hands in the air". They demanded my drivers license so I handed them my identification card. The officers immediately yanked me by my handicapped right arm and slammed me up against the vehicle while twisting my right arm behind my back and with his forearm hitting me in the back of my head. I was handcuffed and told you have a broken taillight and suspended license. Till this day I have not received a summons for either of the charges. I was basically Kidnapped and held against my will and charged with PL 220.16 Criminal possession of a controlled substance in the 3rd degree. The vehicle was searched at the precinct without my consent to do so. I was arrested for this so called drugs possession, thinking it was for the broken taillight and suspended license. I am being framed for the crime because of my past record and racial profiling, all the officers were white. Till this day there is no indictment number and I'm sitting in Rikers Island scared to death not knowing where my life is going. As a result of this set up false arrest and Kidnapping I'm suffering from Intentional infliction of emotional distress, Mental Anguish, nightmares, loss of sleep, Deep Depression and heightened anxiety.

I am being maliciously prosecuted by manhattan district attorney Cyrus Vance Jr. for an alleged broken taillight case in brooklyn which turned out to be a drug case all of a sudden in manhattan? This does not make any sense at all. I don't know what is going on!! These officers, ~~and~~ the Judge and district attorney are in violation of my constitutional rights amend. 4, 8, 14 and possibly more.

All these defendants are being sued in the personal and official capacity as police officers and judicial officers. The N.Y.P.D. Commissioner Raymond Kelly and the City of New York are also being sued because they are responsible for these officers training under the Monell claim.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

I would like the court to teach these officer from the 77th Precinct who are supposed to protect and serve that just because they have a badge & Authority that they cannot violate citizens constitutional rights whenever they feel like it.

Compensatory - \$2,500,000

Punitive - \$2,500,000

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 31st day of July, 2012.

Signature of Plaintiff

Mailing Address

Telephone Number

Fax Number (if you have one)

James Wil
12 Vernon St.
Brooklyn, N.Y. 11206

(917) 622-4025

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this 31st day of July, 2012, I am delivering this complaint to prison authorities to be mailed to the Pro Se Office of the United States District Court for the Southern District of New York.
Eastern

Signature of Plaintiff:

Inmate Number

James Wil
B+C# 349-12-12187 / NYSID #08801629